

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LEONARD TRUCK & TRAILER INC.,)	
)	CASE NO: 4:21-cv-2362-SL
Plaintiff,)	
)	JUDGE: SARA LIOI
v.)	
)	REPORT OF PARTIES'
LEONARD BUILDINGS AND TRUCK)	PLANNING MEETING UNDER
ACCESSORIES,)	FED. R. CIV. P. 26(f) AND LR
)	16.3(b)(3)
Defendant.)	

1. Pursuant to Fed. R. Civ. P. 26(f), LR 16.3(b), a meeting was held on September 13, 2022 and was attended by:

David A. Welling, Esq., for Plaintiff.

John D. Gugliotta, Esq., for Plaintiff.

Claudia Ray, Esq. for Defendants.

Robin McCue, Esq. for Defendants.

2. Lead counsel for Plaintiff is: David A. Welling, Esq.

Lead counsel for Defendant(s) is: Claudia Ray, Esq.

3. The parties have exchanged the pre-discovery disclosures required by Fed. R. Civ. P. 26(a)(1) and the Court's prior order.

4. The parties recommend the following track: Standard Track.

5. This case is suitable for one or more of the following Alternative Dispute Resolution (ADR) mechanisms: Mediation.

6. The parties **do not** consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

7. Briefly describe the subject of the litigation: The Plaintiff owns a federal trademark registration for “Leonard Trailers” and alleges that Defendants’ use of the term “Leonard Trailers” in connection with the marketing, branding and sale of trailers and any other products within the classification specified in the Plaintiff’s trademark infringes Plaintiff’s trademark rights. The Plaintiff seeks either a license relationship through settlement, or will proceed with the case seeking an injunction and damages. Defendants own a federal registration for “Leonard Buildings & Truck Accessories” and have used “Leonard”-formative marks since 1963. Defendants contend that their use of “Leonard Trailers”—*i.e.*, on their website in connection with the sale of trailers or any other products, as alleged in Plaintiff’s Complaint—does not infringe any purported trademark owned by Plaintiff, that Plaintiff’s claim is barred under the doctrine of laches, that Plaintiff does not have superior rights in “Leonard Trailer,” and other affirmative defenses as raised in their Answer.

8. Recommended cut-off date for amending the pleadings and/or adding additional parties: Oct. 17, 2022.

9. Recommended Discovery Plan.

a. Keeping in mind the proportionality requirements of Fed. R. Civ. P. 26(b)(1), describe the subjects on which discovery is to be sought and the nature and extent of discovery:

The parties will seek discovery into all claims and defenses through written discovery, depositions, and third-party discovery.

b. Non-Expert discovery cut-off date: Feb. 3, 2023.

c. Electronic discovery – The parties have agreed that electronically stored information should be handled as follows:

- **General Document Image Format:** Electronically Stored information shall be produced in single page Tagged Image File Format (“TIFF format”) or single page joint Photographic

Experts Group (“JPEG format”). TIFF/JPEG files shall be single page and named with a unique production number followed by the appropriate extension. Load files shall be provided to indicate the location and unitization of the TIFF/JPEG files. If a document is more than one page, the unitization of the document and any attachments and/or affixed notes shall be maintained as they existed in the original document. The parties shall produce email attachments sequentially after the parent email.

- **Text-Searchable Documents:** The parties will produce extracted full text from any documents from which text can be extracted. In addition to the metadata fields below, each .dat file shall include links to multi-page (document level) text files. The multi-page texts files shall include text extracted from documents with extractable text. For electronic files without extractable text (e.g. scanned paper documents, PDF files without text, etc.) or documents produced with redactions, the producing party shall use optical character recognition software (OCR) to generate text for the document. OCR generated text shall be provided for all documents without extractable text in the original native file unless the document is handwritten notes, drawings or is otherwise not easily convertible into a searchable format. The filename for the multi-page text file shall correspond to the beginning production number of the document.
- In addition, the parties have agreed to further meet and confer to determine what reasonable limitations, if any, to impose upon discovery of ESI including, without limitation, the use of search terms and custodians.

- d. Expert report due date for party with burden of proof: March 1, 2023.
- e. Rebuttal expert report due date: April 14, 2023.
- f. Expert discovery cut-off date: May 15, 2023.

10. Recommended Dispositive Motion Plan:

- a. Dispositive motion due date: June 16, 2023.
- b. Opposition to dispositive motion due date: July 14, 2023.
- c. Replies in support of dispositive motion due date: July 31, 2023.

11. Recommended date for a status hearing: Dec. 15, 2022.

12. Recommended date for a final pretrial conference: Aug. 1, 2023.
13. Recommended trial date: Sep. 15, 2023.
14. Other matters for the attention of the Court: none.

Most Respectfully Submitted,

s/ David A. Welling

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Counsel for Defendants

Leonard Buildings & Truck and

Leonard Aluminum Utility Buildings, LLC

CERTIFICATE OF SERVICE

This is to certify that on the date electronically time-stamped above that the foregoing was presumably served on all counsel via the Court's e-filing system on the date electronically time-stamped above.

s/ *David A. Welling*

DAVID A. WELLING (Ohio # 0075934)

Counsel for the Plaintiff